single person is in the greater probability that such acts where done by many in combination will cause injury. See *Toledo, A. A. & N. M. Ry. v. Pennsylvania Co.* (1893, C. C. N. D. Oh.) 54 Fed. 730, 739. This is illustrated by the analogy of cases of nuisance. One wheelbarrow standing in a street may cause no injury, but fifty standing there probably will. *Cf. Thorpe v. Brumfitt* (1873, Eng.) 8 Ch. 650. Thus it would seem that the only legal effect of a conspiracy is the aggravation of damages caused by the acts done in pursuance thereof. The instant case may further find support on the ground that the defendants were justified in their action, even had they intended injury to the plaintiff, there being still question whether in law osteopaths are physicians. See *Keiningham v. Blake* (1919, Md.) 109 Atl. 65 (code section denying to municipal officers authority to accept birth or death certificate from osteopath sustained). Probably the same situation would maintain as to a chiropractor. See (1918) 28 YALE LAW JOURNAL, 97; but see *ibid.*, 615.

TORTS—ILLEGAL ACTS—VIOLATION OF SUNDAY LAWS.—The plaintiff and the defendant were hunting together on Sunday in violation of a state statute. Mistaking the plaintiff's hat for a squirrel, the defendant shot and injured the plaintiff. The plaintiff sued for damages. *Held*, that the plaintiff should recover without proof of negligence, since the shooting was a voluntary, unlawful act. *White v. Levarn* (1918, Vt.) 108 Atl. 564.

In order that a violation of a statute may operate to afford a right to damages, the violation must be the proximate cause of the injury. *Lindsay v. Cecchi* (1911) 26 Del. 133, 80 Atl. 523; *Dervin v. Frenier* (1917) 91 Vt. 398, 100 Atl. 760. The question of causal connection is determined to some extent by considering what causal acts the statute was intended to prevent. *Cf. Bourne v. Whitman* (1911) 209 Mass. 155, 95 N. E. 404; *cf. Hyde v. McCreery* (1911) 145 App. Div. 729, 130 N. Y. Supp. 271. The statute forbidding hunting on Sunday is obviously not intended to prevent injuries from hunting accidents, but to provide peace and quiet on Sunday. *Platz v. Cohoes* (1882) 89 N. Y. 219. It has been held that where a plaintiff's cow was run over by a train running on Sunday in violation of a statute, the plaintiff should not recover without proving negligence, the violation of the statute not being the proximate cause of the accident. *Tingle v. Chicago etc. Ry.* (1882) 60 Iowa, 333, 14 N. W. 320. Where a violator of a Sunday law was injured by the negligence of one not a violator, the violation has generally been held not such a contributing cause of the injury as to preclude recovery. *Sutton v. Wauwatosa* (1871) 29 Wis. 21; *Louisville etc. Ry. v. Frawley* (1886) 110 Ind. 18, 9 N. E. 594; *contra, Beachem v. Portsmouth Bridge* (1895) 68 N. H. 382, 40 Atl. 1066; *Day v. Highland St. Ry.* (1883) 135 Mass. 113. The minority doctrine has been changed by statute in Maine and Massachusetts. Me. Rev. St. 1903, ch. 84, sec. 131; Mass. Rev. Laws, 1902, ch. 98, sec. 17. If an act done in violation of a Sunday law is denied to be, for that reason alone, a legally effective cause of an injury which follows it in cases where the Sunday violator is a plaintiff seeking redress for a tort inflicted on him while he was violating the law, it is hard to see on what principle a precisely similar act can acquire the character of legally effective cause, for its illegality alone, merely because the actor is a defendant. *Cf. Hughes v. Atlanta Steel Co.* (1911) 136 Ga. 511, 71 S. E. 934; *cf. Gross v. Miller* (1894) 93 Iowa, 72, 61 N. W. 385. The theories of causation and the public policies involved are identical in the two cases. And a conclusion which thus distinguishes between culpable and contributory causation in illegal acts is doubly hard to understand because of the ordinary rule of *in pari delicto*. The Vermont court has already held that the fact that the plaintiff was working on Sunday in violation of a statute, did not bar recovery for a tort arising from the defendant's negligence. *Hoadley v. International Paper Co.* (1899) 72 Vt. 79, 47 Atl. 169. It had indeed previously held that one

traveling on Sunday in violation of a statute could not recover for an injury caused by a defective bridge. *Johnson v. Irasburgh* (1874) 47 Vt. 28. But there the court admitted the violation of the Sunday statute was not the proximate cause of the injury, and placed the decision on the ground that the right to recover from a town for a defective bridge was one conferred by statute and thus subject to statutory limitations and that the Sunday law was, in effect, such a limitation on the right to damages. It is submitted that a sound determination of the instant case would have been based on the evidence of the negligence of the two parties. See Thayer, *Public Wrong and Private Action* (1914) 27 HARV. L. REV. 317, 339.

WILLS—APPEAL FROM PROBATE—INTEREST OF CONTESTANT.—The testator by his will devised to his widow the same estate which she would have received by statute if he had died intestate. The other portion of his estate he devised to his two brothers with remainders at their death to certain nephews and nieces. Two executors were named, and the will was probated by them. The widow, as the sole complaining party, filed an appeal from the order of probate, and contested the will on the grounds of testamentary incapacity and undue influence. The proponents moved to dismiss the appeal because the contestant had no interest in the estate that entitled her to contest the will. Pending the motion the widow amended her appeal, and based her right to contest the will on the grounds, first, that she was deprived of her statutory right, either to qualify as the personal representative of the decedent or to name the personal representative, and, second, that by a prior will she was devised a life estate in all the testator's propery. *Held,* that the appellant should not have the relief asked, because she had not proved such an interest as "entitled" her to contest the will. *Egbert v. Egbert* (1920, Ky.) 217 S. W. 365.

It seems settled that a legatee or devisee under a prior will is "entitled" to contest a later will in order to establish his rights. *Crowley v. Farley* (1915) 129 Minn. 460, 152 N. W. 872; see *In re Wynn's Estate* (1916) 193 Mich. 223, 226, 159 N. W. 492, 493. But, in the principal case, the court held that the appellant did not sufficiently allege that the prior will was still in existence and unrevoked. Under statutes a proceeding to contest a will can generally be maintained only by a "person interested" or by one "aggrieved" at the time the will is admitted to probate. The interest must be a direct pecuniary interest affected by the probate of the will. See *Crowell v. Davis* (1919, Mass.) 123 N. E. 611, 612. Any person thus interested may contest the validity of the will. *Kinnaman v. Kinnaman* (1880) 71 Ind. 417. Where a widow takes the same estate under the will as the statute awards her in the event of her husband's intestacy, she takes by descent and not by purchase. *Thompson v. Turner* (1909) 173 Ind. 593, 89 N. E. 314, Ann. Cas. 1912A 740, note. There does not seem to be a jurisdiction contrary to the doctrine of the principal case, that the mere privilege and power to administer in the event of intestacy is not a sufficient interest to contest the will; and it seems that all the adjudications are cited in the opinion.